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EXAMINER
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GLASS, RUSSELL S

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/683,791

### Applicant(s)

PANELLI, EDWARD J.

### Examiner

Russell S. Glass

### Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-5, 7-11, 13-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarno, (U.S. Pub. 2002/0042751 A1) in view of Jamroga et al., (U.S. 6,574,742).**
2. As per claim 1, Sarno discloses an electronic information system to enable a supplier to provide a customer with economic information regarding the system provided by the supplier, the information system comprising:
  - a query page stored in the electronic information system, wherein the electronic information system provides the query page to the customer via an electronic communication system, wherein the query page comprises at least one question designed, when completed by the customer, to enable the information system to determine a customer's system usage over a period of time, (Sarno, figs. 1C, 1E, ¶ 15, 18); and

an application stored in the electronic information system, wherein the application establishes an expected cost reduction resulting from using a supplier's system based on the customer's system usage, (Sarno, figs. 1C, 1E, ¶ 12, 17).

Sarno fails to disclose a radiological image archiving system. However, such a system is well known in the art as evidenced by Jamroga, (Jamroga, col. 1, lines 48-65). It would have been obvious to one of ordinary skill in the art to combine Sarno and Jamroga. The motivation would have been to allow a seller to provide a cost justification supporting the purchase of IT software such as is disclosed by Jamroga to a buyer, (Sarno, Abstract, ¶ 4).

3. As per claim 2, Sarno discloses a system wherein the application establishes a payback period for purchasing a supplier's radiological image archiving system based on the expected cost reduction resulting from using the supplier's radiological image archiving system and on cost of the supplier's radiological image archiving system, (Sarno, ¶ 125).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

4. As per claim 3, Sarno discloses a system wherein the application establishes a suggested radiological image archiving system based on the customer's radiological imaging system usage, (Sarno, ¶ 75) (disclosing the output of a business case based on user input for the sale and purchase of a particular vendor product that is considered

to establish a suggested radiological image archiving system based on the customer's radiological imaging system usage).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

5. As per claim 4, Sarno discloses a system wherein the plurality of questions are designed to establish a desired digital storage capacity for the supplier's radiological image archiving system based on the customer's radiological imaging system usage, (Sarno, ¶ 151).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

6. As per claim 5, Sarno discloses a system wherein the application establishes the expected cost reduction resulting from usage of the supplier's system, (Sarno, Abstract).

Sarno fails to disclose that the cost savings are based on a reduction in radiological film usage. However, the preference for digital images over film in the field of radiology is well-known in the art as evidenced by Jamroga, (Jamroga, col. 1, line 15-col. 4, line 45).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

7. As per claim 7, Sarno fails to disclose information such as a quantity of

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radiological examinations performed over a specified period of time by the customer's radiological image archiving system. However, such information is well-known in the art as evidenced by reference to Jamroga, (Jamroga, col. 13, lines 13-21).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

8. As per claim 8, Sarno fails to disclose a system wherein the specified period of time is one day. However, such a system is well-known in the art as evidenced by Jamroga, (Jamroga, col. 9, lines 23-33)(disclosing data stored and retrieved by time and date, thus easily producing the amount of radiological examinations per specified day).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

9. As per claim 9, Sarno fails to disclose a system wherein the query page is adapted to elicit a quantity of radiological images taken per radiological examination.

However, such a system is well-known in the art as evidenced by Jamroga, (Jamroga, col. 9, lines 23-33)(disclosing data stored and retrieved by delivery instruction sets per unique identifier identifying a radiological examination).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

10. As per claim 10, Sarno discloses a system wherein the query page is adapted to

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elicit a number of days a customer uses a radiological imaging system over a specified period of time. However, such a system is well-known in the art as evidenced by Jamroga, (Jamroga, col. 9, lines 23-33)(disclosing data stored and retrieved by time and date, thus easily producing the number of days a customer uses a radiological imaging system over a specified period of time).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

11. As per claim 11, Sarno discloses a system wherein the electronic communication system includes the Internet, (Sarno, ¶ 210).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

12. As per claim 13, Sarno discloses a computer program wherein the computer program is stored in a tangible medium, wherein the computer program is adapted to enable an electronic information system to establish a customer's expected cost reductions over a period of time resulting from usage of a supplier's system, wherein the computer program directs the electronic information system to provide a query page to the customer via an electronic communication system, the query page being adapted to elicit a customer's system usage over the period of time. (Sarno, figs. 1C, 1E, ¶ 12, 17, 18)(a survey generator with a series of questions is a query page, and figs. 1C and 1E

show information such as historic and future activity costs with associated savings projections) .

Sarno fails to disclose a radiological image archiving system. However, such a system is well known in the art as evidenced by Jamroga, (Jamroga, col. 1, lines 48-65).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

13. As per claim 20, Sarno discloses a method of providing a customer with economic data regarding a supplier's system, the method comprising the acts of:

storing a query page adapted to elicit information from a customer on an electronic information system, (Sarno, ¶ 15, 18);

enabling a customer to access and complete the query page via an electronic communication system, (Sarno, ¶ 15, 18); and

storing a computer program operable to establish an economic benefit of purchasing a supplier's radiological image archiving system based on the radiological imaging system usage information received from a customer on the electronic information system, (Sarno, figs. 1C, 1E, ¶ 12, 17).

Sarno fails to disclose a radiological image archiving system. However, such a system is well known in the art as evidenced by Jamroga, (Jamroga, col. 1, lines 48-65).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

14. As per claims 23 and 24, Sarno discloses an electronic information system, comprising:

a query page stored in the electronic information system, wherein the electronic information system provides the query page to the customer via an electronic communication system, wherein the query page comprises at least one question designed, when completed by the customer, to enable the information system to establish an amount of resources consumed by a customer over a specified period of time, (Sarno, figs. 1C, 1E, ¶ 15, 18); and

an application stored in the electronic information system, wherein the application establishes an expected reduction in cost, (Sarno, ¶ 12, 17).

Sarno fails to disclose that the cost savings are based on a reduction in radiological film usage. However, the preference for digital images over film is well-known in the art as evidenced by Jamroga, (Jamroga, col. 1, line 15-col. 4, line 45).

The reasoning and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

15. As per claim 25, Jamroga further discloses a system wherein the radiological imaging archiving system provided by the supplier stores radiological images in a film-less format, (Jamroga, col. 1, line 15-col. 4, line 45).

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The reasoning and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 5 and incorporated herein by reference.

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

16. As per claims 15-19, 21, 22, 26-31 these claims contain the same or similar limitations as claims 1-5, 7-11, 13, 20, 23-25. Therefore, the rejections of those claims are herein incorporated by reference against claims 14-19, 21, 22, 26-31.

**17. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarno in view of Jamroga, and further in view of Wong et al., (U.S. 6,260,021).**

18. As per claim 6, Sarno fails to disclose a system wherein the application is written in Java script. However, Java script is well-known in the art as evidenced by Wong, (Wong, col. 12, lines 6-19).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art to combine Sarno and Jamroga with Wong. The motivation would have been to download GUI components as needed for the medical image and report information to be displayed, (Wong, col. 12, lines 6-19).

**19. Claims 12, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarno in view of Jamroga, and further in view of Funahashi, (U.S. 6,820,100).**

20. As per claim 12, Sarno fails to disclose a system wherein the expected cost reduction comprises a reduction in optical discs used in a customer's existing radiological image archiving system. However, such a system is well-known in the art as evidenced by Funahashi, (Funahashi, col. 2, lines 52-59).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Sarno and Jamroga with Funahashi. The motivation would have been to avoid having to delete old files to make room for new files, (Funahashi, col. 2, lines 47-51).

21. As per claim 32, Sarno fails to disclose a system wherein the application establishes an expected cost savings based on a decrease in optical disc consumption for archiving of radiological images. However, such a system is well-known in the art as evidenced by Funahashi, (Funahashi, col. 2, lines 52-59).

The statement of obviousness and motivation to combine Sarno and Jamroga is as provided in the rejection of claim 1 and incorporated herein by reference.

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Sarno and Jamroga with Funahashi. The motivation would have been to avoid

having to delete old files to make room for new files, (Funahashi, col. 2, lines 47-51).

### ***Response to Arguments***

Applicant's arguments filed 2/6/2007 have been fully considered but they are not persuasive for the following reasons:

As per applicants argument that Sarno fails to disclose a query page being adapted to elicit a customer's system usage over the period of time, it is submitted that Sarno discloses such a system. Sarno discloses a survey generator with a series of questions is a query page, and figs. 1C and 1E show information such as historic and future activity costs with associated savings projections over time, (Sarno, figs. 1C, 1E, ¶¶ 12, 17, 18). Such information is used by Sarno to establish a cost-savings projection for a given period of time based on system usage, storage capacity, or amount of images stored. As stated in the previous office action, it is the combination of such financial analysis with the well-known radiological image archiving system of Jamroga that forms the crux of the rejection. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell S. Glass whose telephone number is 571-272-3132. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RSG  
5/9/2007

  
**C. LUKE GILLIGAN**  
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